



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : **Confirmation No. 7668**
Mitsuaki OSHIMA et al. : Attorney Docket No. 2003_1117
Serial No. 10/635,468 : Group Art Unit 2634
Filed August 7, 2003 : Examiner Dac V. Ha
COMMUNICATION SYSTEM : **Mail Stop: AMENDMENT**

RESPONSE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

THE COMMISSIONER IS AUTHORIZED
TO CHARGE ANY DEFICIENCY IN THE
FEES FOR THIS PAPER TO DEPOSIT
ACCOUNT NO. 23-0975

Sir:

This paper is in response to the Office Action mailed December 27, 2005, the period for response to which being extended by 3 months herein to June 27, 2006.

The Examiner indicated that claims 21-28 conflict with claims 30-37 of application 09/686,466, citing MPEP 822 and 37 CFR 1.78(b), and required applicant to either cancel the conflicting claims or maintain a clear line of demarcation between the applications. These requirements are traversed for the following reasons.

MPEP 822, relied by the examiner, clearly indicates that such requirements should be made "when the conflicting claims are identical or conceded by applicant to be not patentably distinct." (Emphasis added.) These points are not met in the present case. The claims of the present application are not identical to the claims in application 09/686,466. Applicant does not concede that the claims in the present application and the claims in application 09/686,466 are not patentably distinct.

Claims 21-28 of the present application are patentably distinct from the claims (30-37) in application 09/686,466 as explained as follows.